

REMARKS

Claims 1-39 are pending in the present application. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 103, Obviousness

The examiner has rejected claims 1-39 under 35 U.S.C. § 103 as being unpatentable over Bryant, Method of Recording and Measuring E-Business Sessions on the World Wide Web, U.S. Patent 6,286,046 (Sep. 4, 2001) in view of www.junkbusters.com. This rejection is respectfully traversed.

Bryant is not prior art with respect to this application because the exception provided in 35 USC § 103(c) applies. Bryant, which issued on Sep. 4, 2001 and was filed on Dec. 22, 1997, only qualifies as prior art under 35 USC § 102(e) with respect to this application, which was filed on February 17, 2000. However, at the time of filing the inventor of this application was under an obligation to assign this application to the same entity to which Bryant is assigned: International Business Machines Corporation. Because this application was filed after November 29, 1999, the provisions of 35 USC § 103(c) apply, which provides in part that:

(c)(1) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Therefore, Bryant is not prior art with respect to this application. Accordingly, the rejection is moot. Hence, the rejection of claims 1-39 under 35 U.S.C. § 103 has been overcome.

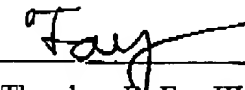
II. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,



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